

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-CV-10695-RGS

NANCY NETTO

v.

LYNN BISSONNETTE

ORDER ON MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

July 5, 2006

STEARNS, D.J.

A claim of insufficiency of the evidence, in light of the deferential standard of Jackson v. Virginia, 443 U.S. 307, 319 (1979), is not fallow ground for a successful petition for writ of habeas corpus. Here, as detailed by the Supreme Judicial Court in its very thorough opinion, there was far more than a "fresh" fingerprint linking petitioner to the crime.¹ See Commonwealth v. Netto, 438 Mass. 686, 688-692 (2003). I also agree with Magistrate Judge Alexander that petitioner's ineffective assistance of counsel claims are procedurally barred and that she has made no cognizable showing of cause or prejudice or the likelihood of a fundamental miscarriage of justice. Consequently, the Recommendation of the Magistrate Judge is ADOPTED and the petition is DISMISSED.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE

¹The court is of the impression from the petitioner's Objections to the Magistrate Judge's Report and Recommendation that she has confused the role of the Supreme Judicial Court as a reviewing court on appeal with the role of the jury as the finder of fact at trial.